



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

CENTRAL COAST PATENT  
AGENCY, INC.  
3 HANGAR WAY SUITE D  
WATSONVILLE CA 95076

**COPY MAILED**

MAR 02 2007

**OFFICE OF PETITIONS**

In re Application of  
Dan Kikinis  
Application No. 08/811,648  
Filed: May 5, 1997  
Attorney Docket No. P1523CIP

ON PETITION

This is a decision on the petition filed October 31, 2006, which is being treated as a petition under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b)<sup>1</sup> must be accompanied by: (1) the required reply,<sup>2</sup> unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by

---

<sup>1</sup> As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

<sup>2</sup> In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (1) and (3).

Petitioner submitted a petition using form PTO/SB64a for the filing pursuant to 37 CFR 1.137(f) for failure to notify the Office of a foreign or international filing, rather than form PTO/SB64 for the filing under 37 CFR 1.137(b) for revival of an application for patent abandoned unintentionally.


Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop PETITIONS  
                  Commissioner for Patents  
                  Post Office Box 1450  
                  Alexandria, VA 22313-1450

By hand:           Customer Window located at:  
  
                  Randolph Building  
                  401 Dulany Street  
                  Alexandria, VA 22314

By fax:           (703) 872-9306  
                  ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

  
Karen Creasy  
Petitions Examiner  
Office of Petitions